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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,785	08/18/2000	William Bromley	1957.0010000	7346

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EXAMINER

BROADHEAD, BRIAN J

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/640,785

Applicant(s)

BROMLEY ET AL.

Examiner

Brian J. Broadhead

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,9,10 and 12-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,9,10 and 12-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 9, 12, 13, 14, 15, 16, 17, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of Hapka, 5619412.

3. As per claims 1, 6, 9, 12, 13, 14, 15, 16, and 17, Doyle discloses an onboard unit coupled to the data bus of the one or more vehicles wherein the onboard unit is operable to collect data for any of the applications an operable to manage interfacing between the data bus and the onboard unit(38); an application server having applications for carrying out any of vehicle diagnostics, vehicle monitoring, vehicle configuration, and vehicle reprogramming, wherein the application server accesses the repository database to obtain information about the one or more vehicles to carry out the applications, and which provides the user with a graphical user interface in order to send and receive data from each of the one or more vehicles(18); a repository database, accessible via the application server, which stored information related to the one or more vehicles on lines 55-56, on column 5; an onboard unit server, couple to the application server, which contains means to convert data between a format understandable by the user, and a format understandable by the onboard unit coupled to the data bus of the one or more vehicles lines 20-35, on column 6; a communication

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means, couple to the onboard unit server, for handling communications between the onboard unit server and the onboard units on the one or more vehicles (22); and the system allows fleet logistic by remote parameter changes, health tracking, and maintenance needs on lines 37-62, on column 2; receiving an acknowledgement from the onboard unit on lines 62-64, on column 3; the onboard unit comprises an application module(60), data interface module(40); and command module(58). Doyle does not disclose using a GUI capable of selecting parameters, a CPU, and user I/O channel ports for receiving communication from the user, and using a second application program interface based on the SAE J1708 standard. Hapka teaches of using a personal computer which has a GUI on lines 60-67, on column 4; and using the J1708 standard on line 47, on column 7. Personal computers inherently have a CPU and I/O channel ports for receiving communication from the user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the personal computer and the J1708 bus of Hapka in the invention of Doyle because such modification would provide for a inexpensive central control station since personal computers are common and would remove the need to build a specialized computer system and also because the J1708 bus is a standard and allow the system to work with systems manufactured by several different vendors.

4. As per claim 2, Doyle discloses the vehicles include heavy trucks in figure 1.

5. As per claim 3, it is inherent that the format understandable by the onboard unit is binary. These are digital electronic systems and binary is the system used for digital computing.

6. As per claims 19, 20, 21, 22, and 23, Doyle discloses the information indicative of the one or more vehicles includes a vehicle identification parameter and at least one parameter that is specific to the application and not specific to the applications on lines 32-66, on column 5; the data sent to each of the one or more vehicles may contain commands for collecting data and setting a parameter of the vehicle on lines 39-55, on column 2.

7. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of Hapka, 5619412, as applied to claim 1 and 9 above, and further in view of Apsell et al., 6292724.

8. Doyle and Hapka disclose all the limitations as set forth above. Doyle and Hapka do not disclose at least a first portion of the communication means includes the global internet. Apsell et al. teaches of using the internet in the communication means on lines 58, on column 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the internet in the communication means because the internet provides an inexpensive communication means.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle, 5815071, in view of Hapka, 5619412, as applied to claim 1 above, and further in view of Lang et al., 6295492.

10. Doyle and Hapka disclose all the limitations as set forth above. Doyle and Hapka do not disclose using a firewall that requires appropriate credentials to access the application server and repository database. Lang et al. teach of using appropriate credentials to access the information on the server and database on lines 42-68, on

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column 4. It would have been obvious to one of ordinary skill in the art at the time the invention was known use the credential system of Lang et al. in the invention of Doyle and Hapka because only authorized users should be able to access the system as stated on lines 37-42, on column 2, of Lang et al.

### ***Response to Arguments***

1. Applicant's arguments filed 12-3-03 have been fully considered but they are not persuasive. The first argument is that Doyle does not disclose the application server being operable to carry out decision processing. On lines 46-67, on column 5, it is clear that the application server gets data and generates an error message. The second argument is that Doyle does not disclose the onboard unit being operable to collect data or run commands for any of the applications [in] response to communications from the application server. On lines 46-67, on column 6, Doyle discloses the MCT polls the ECUs in response to a command from the base station and can change parameters in response to commands from the base station.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 703-308-9033. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

BJB  
April 19, 2004

  
THOMAS O. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3661